UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NORTHEASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
V.)	No. 2:11-cr-003-1
)	Judge Sharp
WILLIAM EARL McGUIRE, IR.	j	

RESPONSE OF THE UNITED STATES TO PETITIONER'S MOTION REQUESTING JOHNSON SENTENCE REDUCTION

Defendant McGuire filed a *pro* se motion requesting sentence reduction pursuant to *Johnson v. United States*, 135 S.Ct. 2551 (2015). The Court appointed the Federal Public Defender to represent McGuire. On September 13, 2016, McGuire's appointed attorney filed a supplemental brief, concluding that McGuire is entitled to no relief (D.E. 302).

The United States concurs with the analysis contained in the supplemental brief. McGuire has two qualifying prior drug convictions, which qualify him as a career offender and for the enhancements contained in U.S.S.G. § 2K2.1, even if *Johnson* is ultimately held to be applicable to those provisions. McGuire is entitled to no sentencing relief.

Respectfully submitted,

DAVID RIVERA United States Attorney for the Middle District of Tennessee

By: <u>/s/ William L. Deneke</u> Assistant United States Attorney A-961 U.S. Courthouse Nashville, Tennessee 37203 Telephone: 615-736-5151

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading was provided by the Court's electronic filing system to Sumter Camp, attorney for William McGuire, on the 14th day of September, 2016.

/s/ William L. Deneke

Assistant United States Attorney